

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JOSEPH D. DONABY

v.

CASE NO. 3:14-cv-890(SRU)

CHRISTOPHER SENIOR, ET AL.

**RULING ON MOTION FOR RECONSIDERATION**

Pending before the court is the plaintiff's motion for reconsideration of the court's order dismissing claims against the City of New Haven and New Haven Police Department. For the reasons set forth below, the motion is denied.

On August 18, 2014, the court entered an order dismissing the claims against the City of New Haven, the New Haven Police Department and the named police officers in their official capacities. The court concluded that the Fourth Amendment and state law claims would proceed against the named police officers in their individual capacities.

The plaintiff seeks reconsideration of the dismissal of claims against the New Haven Police Department and the City of New Haven. He claims that there were other instances during which New Haven police officers assaulted him.

A motion for reconsideration must be filed within fourteen days of the filing of the order the party seeks to challenge. *See* Rule 7(c), D. Conn. L. Civ. R. ("Motions for Reconsideration shall be filed and served within fourteen (14) days of the filing of the decision or order from which relief is sought . . .").

The motion for reconsideration is dated February 9, 2015, and was received by the clerk for filing on February 17, 2015. Because the motion was filed more than fourteen days

after the filing of the order dismissing claims against the New Haven Police Department and City of New Haven, it is untimely.

Furthermore, the plaintiff is now represented by counsel who has filed an amended complaint against the named police officers in their individual capacities only. Counsel does not seek to proceed against the defendants in their official capacities on the basis of municipal liability. Thus, the plaintiff appears to have abandoned any claims of municipal liability against the City of New Haven, the New Haven Police Department and the officers in their official capacities.

Accordingly, for the reasons stated above, the Motion [**Doc. No. 13**] seeking Reconsideration of the Initial Review Order dismissing claims against the City of New Haven and the New Haven Police Department is **DENIED**.

SO ORDERED this 15th day of April, 2015, at Bridgeport, Connecticut.

/s/ STEFAN R. UNDERHILL  
Stefan R. Underhill  
United States District Judge